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IN REPLY
REFER TO

JUN 14 2002

DESC-CPA

CONTRACTING INSTRUCTION (CI): 02-08

MEMORANDUM FOR CI DISTRIBUTION

SUBJECT: Procedures for Modifying Provisions and Clauses

The DEPI coverage found at 52.104, Procedures for Modifying Provisions and Clauses, has been updated and the new coverage is attached.

This CI is informational only and expires upon inclusion in the DEPI. Point of contact is Diana Baker, (703) 767-8459.

A handwritten signature in black ink, appearing to read "Kevin M. Ahern".

KEVIN M. AHERN
DESC Center Senior Procurement Official

Attachment



52.104 Procedures for modifying provisions and clauses.

(a) Clause or provision changes, to include FAR/DFARS/DLAD/DESC, will be provided to DESC-CPA electronically by the contracting officer, following the steps below. A clause/provision with unapproved changes cannot be used in a solicitation or contract. After approval of the clause revision by DESC-CPA, the revised clause will be posted to the permanent clause book located on the T drive at "T/solicit". Documentation of the clause change for historical record shall be maintained by DESC-CPA as Clause Book Changes, Memorandum for Records (MFRs). Specific exceptions to the below steps are listed in DEPI 52.104(b). (Note: A FAR/DFARS/DLAD clause or provision may not be modified or deleted if its use is mandatory and non-tailorable until a deviation has been processed to, and approved by, Headquarters DLA in accordance with DEPI 1.403(b)).

Steps for requesting a clause/provision change:

- (1) Prepare and forward the electronic request to DESC-CPA.
- (2) The request shall clearly document the specific need for revision or deletion.
- (3) It will contain an attached file of the final version of the proposed clause/provision change. The revised portions must clearly reflect what is to be changed. This can be accomplished by providing the new verbiage in "track-changes" (the preferred method), bold type, or by highlighting.
- (4) If another division or office within DESC has collateral interest in the clause/provision which is proposed for change, the contracting officer will coordinate the technical details of the change with that element and obtain their concurrence.
- (5) The contracting officer shall obtain final coordination with applicable offices, including DESC-G, before requesting the change. The contracting officer shall then forward the proposed change, including all concurrences, as an electronic file to DESC-CPA.

(b) Exceptions.

(1) One time changes. One time changes to tailorable clauses/provisions shall be forwarded to DESC-CPA electronically by the requesting contracting officer, including DESC-G's concurrence, before the solicitation/contract is issued following the steps at DEPI 52.104(a) above. DESC-CPA will review the revision and communicate the approval electronically back to the originator. The originator shall document this electronic approval in the contract file. The Contracting Officer will designate the approved version of the clause/provision number with suffix ".100" after it. One time

changes will not be posted to the permanent clause book on the T drive, as these are for one time use only and **not for repetitive use**.

(2) DESC Economic Price Adjustment (EPA) clauses. A major change to a DLA-approved, DESC locally developed EPA clause, as-well-as approval of a new permanent EPA clause requires DLA approval. See DEPI 16.203-3 for procedures and other details. A minor, incidental revision to correct or update an EPA clause may be approved by DESC-CPA.

(3) Quality Related Clauses. DESC-BQ/BP will coordinate all new clauses and clause changes that concern the quality of energy/fuel with the appropriate Service Control Point (SCP) and DESC Field Office as required prior to forwarding the clause to DESC-CPA for action/implementation. The buying divisions affected will be provided a copy of the proposed change for advice on acquisition impacts and coordination. This information will also be provided to the Inventory Control Point (ICP) for their consideration:

(i) Changes made by DESC-BP to product specification clauses will be coordinated through DESC-BQ.

(ii) Changes made by the DESC-BQ to quality requirement clauses will be coordinated through DESC-BP.

(iii) DESC Field Offices shall submit requests for product and quality clause changes to DESC-BQ/BP as appropriate, for coordination with the SCP.

(4) Changes resulting from negotiations.

(i) FAR/DFARS/DLAD clauses. A FAR/DFARS/DLAD clause may not be modified or deleted if its use is mandatory until a deviation has been processed to and approved by DLA. When negotiations as referenced in DEPI 1.403(a) fail to obtain the contractor's acceptance, the procedures in DEPI 1.403(b) shall be followed.

(ii) DESC EPA clauses. See DEPI 52.104(b)(2).

(iii) DESC local clauses other than EPA clauses. When negotiations result in a change to a DESC clause other than an EPA clause, the change may be approved by the contracting officer, who will obtain the coordination of DESC-G. The contracting officer shall designate the changed clause with the suffix ".100", and properly document the negotiation.

(iv) Modifications. The procedures set forth in DEPI 52.104(b)(4) subparagraphs (i), (ii), and (iii) above also apply to changes made by contract modification after award.

(c) Permanent Changes. A permanent change to a clause or provision will result in

the revised version being posted to: "T / solicit" location on the LAN.